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TO: Marlene H. Dortch, Secretary

Federal Communications Commission  
Office of the Secretary

FROM: Thomas Horan, Legal Advisor, Media Bureau

SUBJECT: Submission for the Record in 2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 (MB Docket Nos. 06-121, 02-277, 01-235, 01-317, 00-244)

On June 21, 2006, the Commission adopted a *Further Notice of Proposed Rule Making* in the above-referenced proceeding, FCC 06-93, 21 FCC Rcd 8834. The *Further Notice* states that the Media Bureau will compile a summary of the comments in the localism proceeding, MB Docket No. 04-233, and submit the summary in this docket. Attached is the required summary. Included in this submission is a summary of the comments made at the Localism Field Hearings held in Charlotte, North Carolina on October 22, 2003, Monterey, California on July 21, 2004, Rapid City South Dakota on May 26, 2004, and San Antonio, Texas, January 28, 2004.

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List A B C D E

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**Broadcast Localism**  
**MB Docket No. 04-233**  
***Comment Summary***

*Federal Communications Commission*  
*Office of the Secretary*

All comments contained in this summary may be viewed from the Commission's website through the Electronic Comment Filing System (ECFS).

In addition to the filings summarized below, the Commission received over 80,000 brief comments in MB Docket 04-233. These comments relate to one or more of the issues described below.

- Commenters speak to valuing K-LOVE or AIR-1 national programming service offered over FM translator stations and do not want the programming displaced by Low Power FM (LPFM) stations; urge that translators be given priority over LPFM facilities.
- Commenters believe that the FCC's broadcast license renewal process should be more rigorous than the current "postcard" procedure.
- Commenters oppose further media consolidation, preferring the strengthening of the FCC's media ownership rules.
- Commenters complain of Sinclair stations airing anti-John Kerry documentary before the 2004 election, or generally argue that Sinclair has violated the FCC's political broadcasting equal opportunity rule.
- Commenters specifically complain of Sinclair's broadcast of its centrally-produced "News Central" program over its stations; believe that news programs should be locally produced.
- Commenters complain of Clear Channel airing programming urging violence to bicyclists and request that offending stations be sanctioned by the Commission.
- Commenters complain of Pappas' stations providing pre-election free airtime to Republican candidates.
- Commenters express concerns about coverage limitation for translator stations.
- Commenters urge the FCC to authorize additional LPFM facilities.
- General criticism of program content that is being aired, including indecency and the absence of localism efforts.
- General comments expressing that the FCC should tighten ownership restrictions and have less regulation on the broadcast industry, including general statement supporting more enforcement of the current rules, and less implementation of new rules.

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- Commenters express that media companies should be prohibited from using the airwaves to air political propaganda, unless they provide equal time to both parties, and general comments expressing concern that the public airwaves are being misused to promote a political agenda.
- Commenters urge that the FCC should specifically define broadcasters' localism obligations so stations know what is required of them.
- General comments that local public affairs programming is virtually non-existent.
- Various issues unrelated to localism.

**Aguirre, Jesse (1/28/04)**

Mr. Aguirre states that he supports religious programming, specifically the First Baptist Church TV service, in San Antonio, TX.

**Akaku: Maui Community Television (Akaku) (10/28/04)**

Akaku contends that community access media developed by local jurisdictions provide a model for localism that could be used for broadcast, satellite, and IP-enabled media. Akaka believes that a policy approach similar to local franchising of cable TV should be considered for broadcast, satellite and IP media.

Akaku argues that consolidated and commercial media alone do not serve community needs and interests. As a result, low-income people and members of minority groups who lack buying power find themselves and their issues ignored or misrepresented.

Akaku indicates that the best way to promote locally-oriented programming is to set aside bandwidth and related capacity and to secure adequate operating support for non-commercial, public service media in every local community. Akaku suggests that mandatory set asides of local media resources should be standardized at twenty percent as compensation for private commercial use of public assets.

Akaku believes that local franchising authorities are the appropriate jurisdiction to oversee community needs related to ascertainments and other public service obligations.

**Alaska Broadcasters Association (The Association) (11/1/04)**

The Association notes that localism is alive and well because the market demands it, and states that local broadcasters are the voices of their communities, whether broadcasting local news, weather, emergency information, local sports or school lunch menus.

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The Association notes that a broadcast station's audience is inherently local because local audiences can change stations, and that television stations tailor their fare in response to local needs. The Association states that many stations report regularly scheduled meetings with local elected and appointed officials, other stations conduct listener surveys, some stations depend on Internet-based community feedback, and many public stations have established community advisory boards.

The Association states that local news and public affairs programming represents a core value, and also that providing emergency information is significant to this commitment. The Association states that in addition to complying with EAS rules, broadcasters also update listeners on protecting life and property.

The Association points out that community service is an important element of the broadcast industry's business, and that such service includes broadcast of public service announcements, direct fundraising efforts for charitable projects and other direct or in kind donations. In an attachment, the Association summarizes these efforts.

The Association states that in addition to serving communities' majorities, local broadcasters also serve minorities, noting that KNBA in Anchorage is the largest urban station in the country with a Native American program format. The Association concludes by urging the Commission not to intercede because broadcasters and marketplace realities keep localism as an imperative for broadcast stations.

In an attached table, the Association lists issues dealt with by responding stations. These include AIDS, alcoholism, adult literacy, anti-smoking, anti-violence, breast cancer, children's issues, homeland security issues, hunger and poverty, and fund raising drives.

**Allen, Margarita (1/28/04)**

Ms. Allen states that the live telecast of the Sunday service at the First Baptist Church, San Antonio, Texas, is the best program on television. She also states that the telecast helped her get well while she was in the hospital and that it would be an injustice if church services were not telecast.

**Alliance for Community Media – Western Region (Alliance) (11/1/04)**

The Alliance asserts that "the development of Public, Educational and Government (PEG) access channels, programming, equipment and services – adequately funded in many communities by grants from cable operators and local government - provides a model for localism that could be used for broadcast, satellite and IP-enabled media." Alliance maintains that "through a locally accountable process, broadcast, broadband wireline, wireless, and satellite transmission capacity – along with financial contributions to a 'Community Media Fund' by broadcast, cable, satellite and other media service providers – could be set aside to support local efforts to empower citizens as sources of information in the electronic marketplace." Alliance advocates that

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*mandatory set asides of local media resources and spectrum should be standardized at ten percent to compensate for private use of public media assets.*

Alliance contends that the commercial media marketplace does not currently support non-commercial speech and that consolidated ownership exacerbates the problem. Alliance states that local communities require their own voices and that Congress and the FCC must protect local media and uphold the public interest, particularly the needs and interests of people and minority groups who lack buying power. Alliance asserts that the best way to promote locally-oriented programming is to set aside bandwidth and spectrum and secure adequate funds to support the development of a variety of non-commercial public service media in every community.

Citing several reports (including [www.benton.org/Television/watslocal.html](http://www.benton.org/Television/watslocal.html) and <http://learcenter.org/pdf/LCNARReport.pdf>), Alliance avers that the lack of local public affairs programming on traditional media outlets has been well-documented. Alliance states that PEG channels, in contrast, serve local and diverse interests, as exemplified by CAN TV, which offers a total of 140 hours weekly of original, local programs on its channels.

Alliance recommends that the FCC commission studies that evaluate the methods used by PEG access to promote localism, compare and contrast these practices and their outcomes with those of commercial broadcasters, and explore the potential for expanding the PEG access model across other media platforms. Alliance also recommends that the FCC hold additional public hearings in local communities before changes are introduced.

**Alliance for Community Media (10/27/04)**

According to the Alliance for Community Media, cable television's Public, Educational and Governmental (PEG) access channels provide a model for localism that could be used for broadcast, satellite and IP-enabled media. The Alliance for Community Media states that commercial media alone do not adequately serve local community needs and interests, and consolidated ownership exacerbates the problem; for example, the top three cable MSOs have a history of opposing localism/PEG efforts. According to the Alliance for Community Media, in contrast to commercial stations which can devote less than 1 percent of their programming time to local affairs programming, PEG access organizations such as CAN TV in Chicago is 95% local.

The Alliance for Community Media states that the FCC should study the methods used by PEG access to promote localism, compare and contrast them with commercial broadcasters, and explore the potential for expanding them across other media platforms.

**American Farm Bureau Federation (AFBF) (8/31/04)**

The AFBF states that in order to make vital decisions, farmers and ranchers need detailed and timely weather information, local news, up-to-the-minute market reports and news affecting

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*production agriculture.*

According to AFBF, trends in radio today are in the direction of less farm programming. AFBF states that according to the National Association of Farm Broadcasters (NAFB), the number of on-air broadcasters in the NAFB has declined to 136, down from 225 in 1998, and recently, two 50,000 watt radio stations (one in Minneapolis and one in Chicago) cut their farm programming.

AFBF has identified several factors that it says have led to the decrease in farm programming: in the late 1990s, large ownership groups acquired hundreds of radio licenses following changes in media ownership rules; national farm advertising has dropped 45 percent in the last five years; and local farm advertising declined even more. AFBF says the declines can be attributed to a weaker farm economy, a consolidation of farm industry companies and fewer new product offerings, especially in the crop protection area.

AFBF states that radio is a valuable resource to farmers because they are mobile throughout the day and it can follow them anywhere.

AFBF states that the decline in advertising dollars to support farm radio has made it vulnerable, and that unless station owners have a strong commitment to their rural audience, the drop in revenue is a convenient excuse to remove farm programming.

AFBF encourages the Commission to include farm programming in any initiative to encourage more community-responsive programming.

**American Federation of Television and Radio Artists (AFTRA) and the American Federation of Musicians (AFM) (11/1/04)**

AFTRA and AFM support the NOI and assert that the Commission's overarching goal is to ensure that broadcast stations are responsive to the unique interests and needs of local communities. Promoting localism means ensuring that communities can rely upon their local television and radio stations to deliver local news, which includes, among other things, local political coverage, local weather, and local community affairs. They believe that media ownership is critical to promoting the objectives of localism. They assert that the consolidated broadcast industry fails to provide the incentives necessary to localism, instead promoting centralized, homogenized and uniform programming conceptualized without local input.

In these comments, AFTRA and AFM state that the following problems exist in broadcast markets nationwide:

- (i) the widespread loss of genuine local news coverage in favor of centralized, multi-station news operations;
- (ii) the virtual elimination of public affairs and cultural programming in local communities, particularly for underserved communities;

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- (iii) the domination of centralized programming masquerading as local programming through insidious group owner innovations such as radio voice-tracking, television central casting, and the imposition of national or regional music playlists;
- (iv) the abdication by broadcast stations of their historic role in discovering and promoting local talent and diverse music genres;
- (v) the burgeoning of destructive “pay for play” business practices that are shutting local artists out of airplay, depriving audiences of emerging local artists, and ultimately squelching innovation in American music.

The Commission should respond to these problems by instituting regulatory reform in five ways:

- (i) adopt a meaningful and effective license renewal process by which the Commission, with input by members of the local community, systematically evaluates the manner in which a station has served the public interest through local programming;
- (ii) adopt rules that specifically address and prohibit the new payola practices that control the radio and music industries today, and improve its existing procedures for enforcing the existing payola and sponsorship identification rules;.
- (iii) encourage the development of low power FM stations with the authorization of additional spectrum allocations;
- (iv) adopt rules to require stations to provide programming responsive to the needs of the communities in which the stations are located; and
- (v) reconsider the threat to localism inherent in its loosened media ownership rules enjoined by the Third Circuit, and reverse its effort to permit even more ownership consolidation.

**The Amherst Alliance (10/14/03)**

The Amherst Alliance (Alliance) requests that Christopher Maxwell represent the Alliance as a panelist during the localism hearing in Charlotte. Alliance also asks that the public be allowed to speak at the hearing, and suggests procedures to accomplish this.

**The Amherst Alliance (10/27/03)**

The Amherst Alliance (Alliance) advocates the establishment of low power radio on the AM band (LPAM), and urges the Commission to use, as a starting point for discussion, the Petition for Rulemaking submitted by Fred Baumgartner, PBE, regarding LPAM. Alliance states that because there is generally less competition from established full power stations on this portion of the spectrum, the creation of LPAM could double or triple the number of frequencies available for new low power broadcasters, particularly in larger cities, and that LPAM could also be crafted in such a way to allow individual ownership of commercial stations. Alliance asserts that this could provide greater employment opportunities in the broadcast field, and could provide small, local businesses that could not otherwise afford to advertise on radio the opportunity to do so.

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**The Amherst Alliance (11/17/03)**

The Amherst Alliance offers public policy proposals for Low Power Radio that the Commission and Congress should act on in the immediate and near future. The Amherst Alliance also states its strong support for the creation of a Low Power AM Service, especially in areas where the spectrum is too congested to allow LPFM stations.

The Amherst Alliance seeks expedited action on the following proposals: (1) a freeze on the issuance of licenses for new satellite-fed translator stations and long-distance translators; (2) establishment of a new, Tertiary Service Status for satellite-fed translators and long distance translators; (3) assignment of Primary Service Status to all Low Power FM radio stations, including LP-10 stations; (4) immediate Commission investigation into abuses and improprieties in current translator stations; and (5) establishment of emergency relief procedures for stations which will be adversely affected by interference from the IBOC version of Digital Radio.

The Amherst Alliance describes the following “less time-sensitive” proposals to increase localism in broadcasting: (1) suspension or revocation of the Commission’s “interim authorization” of IBOC Digital Radio; (2) establishment of a (low) numerical ceiling on the number of translators a single institution can possess; (3) an end to the Commission’s requirement that LPFM stations must protect the second adjacent channel of translators; (4) reversal of Commission’s mass dismissal of 400 LPFM applications due to adjacent channel spacing standards; (5) establishment of LP-250 stations, with power levels of up to 250 watts and/or tower heights of up to 100 meters, in areas with low population density only; (6) adjustment of the current “points formula” for awarding LPFM licenses to end the bias against newcomers; (7) adjustment of criteria for LPFM license eligibility – to allow individuals, as well as organizations, to obtain licenses; (8) initiation of the long overdue “filing window” for LP-10 stations; (9) replace the current frequency procedure for LPFM applicants with a frequency pooling approach which allows the best LPFM applicants to compete for licenses; (10) reject Broadband over Powerlines (BPL) technology; (11) preemption of antenna regulation by Homeowners’ Associations (HOAs) and/or local government zoning authorities; and (12) consider making additional frequencies available for individual broadcasters.

Finally, The Amherst Alliance asks the Commission to urge Congress to: (1) repeal the third adjacent channel spacing requirement imposed upon LPFM stations; (2) amend the current statutory requirement for mandatory auctions in the case of all commercial radio station licenses; (3) establish a similar statutory exemption from mandatory auctions for small commercial stations with power levels of 25,000 watts or less and tower heights of 100 meters or less; (4) encourage Congress to adopt protective legislation to protect shortwave users, Citizens’ Band users who belong to Radio Emergency Associated Communications Teams (REACT) and Amateur Radio Service operators, if the Commission does not want to eliminate bans on emergency communications equipment by HOAs and some local zoning authorities.

**Amherst Alliance, et al. (11/18/03; 11/21/03)**



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The Amherst Alliance requests that the FCC place the following proposals on a “fast track” for immediate action by the full Commission: (1) a “freeze” on the issuance of licenses for new satellite-fed translator stations (also known as “satellators”) and other long distance translators; (2) the establishment of a new, Tertiary Service Status for all of the satellators listed in the Amherst Alliance filing and for long distance translators; (3) assignment of Primary Service Status to all Low Power FM Radio stations, including LP-10 stations; (4) initiation of an immediate FCC investigation into abuses and improprieties in current translator stations, including redundant applications (several frequencies sought for a single station in a single market) and misrepresentation of local sponsorship; and (4) pending the Commission’s comprehensive reconsideration of the IBOC version of Digital Radio, establishment of emergency relief procedures for adversely affected stations, through which such stations may petition for proportionate increases in wattage and/or tower height, in order to compensate for the erosion of their service areas by IBOC interference.

The Amherst Alliance believes that expedited relief is needed because the many FM translator applications pending at the FCC would block most of the LPFM expansion opportunities.

**Amherst Alliance (1/26/04)**

The Amherst Alliance commends the Localism Task Force for recruiting a panelist from the Low Power Radio community to participate in its San Antonio Hearings.

The Amherst Alliance asks that panelists at the four future Task Force hearings include: (1) at least one panelist to present the nationwide, community-wide perspective of the Amherst Alliance; (2) at least one panelist to present the nationwide, community-wide perspective of the Prometheus Radio Project; (3) at least one aspiring Low Power AM licensee and/or at least one panelist from the LPAM Team, to present the nationwide, community-wide perspective of the only national group composed of aspiring LPAM broadcasters; and (4) at least one more current or aspiring Low Power FM licensee. The Amherst Alliance states that these minimum targets for Low Power Radio representation can be met if at least one seat is reserved for a Low Power Radio panelist at every future Task Force hearing.

**Amherst Alliance (3/15/04)**

The Amherst Alliance supports media reform in general and Low Power Radio in particular. The Amherst Alliance states that it is alarmed by the unduly controlled flow of information due to excessively concentrated media ownership.

The Amherst Alliance commends the FCC for releasing the MITRE Corporation’s Report, which investigated allegations of potential interference with full power stations by LPFM stations, in July 2003, and for recommending prompt repeal of current statutory restrictions on adjacent channel spacing of LPFM stations in a report to Congress during February 2004.

The Amherst Alliance stresses that adjacent channel spacing reform for LPFM, while important,

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*will not, in and of itself, remove all of the unjustified regulatory barriers to the expansion of local broadcasting through the expansion of Low Power Radio. The Amherst Alliance states that even more important to the Low Power Radio community are the urgently needed reforms proposed in its 63-party Petition For Expedited Relief Through Rulemaking filed on November 18, 2003.*

The Amherst Alliance states that the higher priority reforms include: (1) translator and Service Status Reform to prevent LPFM licensees and applicants from being displaced by “satellators,” or other long distance translators, and to prevent licensed LPFM stations from being displaced by migrating, or newly licensed, full power stations; (2) emergency Relief for radio stations assaulted by In Band On Channel (IBOC) Digital Radio interference -- in the form of compensatory increases in otherwise applicable limits on wattage and/or tower height, for the sake of offsetting erosion of originally contemplated service areas; and (3) in certain urban areas where the spectrum is highly congested, such as Metro Detroit and Metro Boston, a new Low Power AM Service is more important than adjacent channel spacing for Low Power FM. In such areas, a new LPAM Service will yield more open frequencies on the dial than an expanded LPFM Service.

The Amherst Alliance points to the results of a poll of its members regarding the importance of public policy goals. Alliance lists the top nine goals as follows: (1) retain pre-existing ceilings on ownership of radio stations; (2) initiate translator/service status reform; (3) suspend, replace or modify IBOC digital radio; (4) achieve adjacent channel spacing reform for LPFM; (5) restrain presidential spectrum policy initiative (PSPI); (6) establish new LPAM service (with the option for commercials); (7) retain pre-existing ceilings on media cross-ownership and ownership of TV stations; (8) block higher power levels for broadband over powerlines (BPL); and (9) override homeowners’ association bans on radio antennas.

The Amherst Alliance also identifies what it sees are the top threats to existing low power licensees: (1) removal or loosening of media ownership ceilings; (2) displacement of LPFM applicants by proliferating long distance translators and/or by migrating, or newly licensed, full power stations; (3) interference from IBOC Digital Radio; and (4) shifts of spectrum management authority from the independent, bi-partisan FCC to the “presidentially controlled” Department of Commerce, and shifts of non-commercial broadcast spectrum to commercial wireless uses.

The Amherst Alliance urges the FCC not to view LPFM channel spacing reform as a substitute for limiting megacorporate acquisitions of radio stations, for preventing displacement of LPFM applicants by long distance translators and/or by migrating, or newly licensed, full power stations, or for stopping, or mitigating, interference from IBOC Digital Radio stations. It states that LPFM channel spacing reform should not be seen as a substitute for establishing a new LPAM Service.

**The Amherst Alliance (5/24/04)**

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The Amherst Alliance filing contains the written testimony of Don Schellhardt, Esq., President of The Amherst Alliance given before hearings of the FCC's Localism Task Force in Rapid City, South Dakota. The Amherst Alliance reiterates its support for its top Task Force Recommendations that it first presented to the Commission in its November 14, 2003 filing: a change in translator and Service Status regulations, IBOC interference adjustments, establish a new Low Power AM Radio Service and repeal current channel spacing restrictions on Low Power FM stations.

Alliance expresses concern that the Localism Task force has lost some of its momentum and that it has narrowed its focus to only requiring existing broadcast license holders to provide more local content. Alliance suggests the following actions to address these concerns: (1) set firm dates for the three remaining Localism Task Force Hearings, placing them as near in the future as possible; (2) ensure that the Task Force focus includes increasing the percentage of locally owned broadcast stations, as the single fastest and most reliable way to increase the percentage of local content on the airwaves; and (3) carefully consider the newly submitted evidence on the need for translator and Service Status reform submitted as appendices to this testimony.

Alliance also attaches the following appendices:

Appendix A: Statement to Congress by Bruce Elving, Editor, FM ATLAS on translator reform;

Appendix B: Editorial from Radio World on translator reform;

Appendix C: Statement to Congress by John Broomall, Director of Christian Community Broadcasters regarding Primary Service Status for Low Power Radio stations; and

Appendix D: A 2-page overview, by the Amherst Alliance, of "Actions Needed to Help Low Power Radio."

**Amherst Alliance, et al. (7/21/04)**

The Amherst Alliance submits a motion that asks the FCC to simultaneously docket, as a proposed rulemaking, the provisions of the Petition for Rulemaking filed by Fred Baumgartner to establish a low power AM radio service, as modified by the recommendations of the LPAM Team as set forth in its 12/5/2003 filing.

**Amherst Alliance (11/23/04)**

On the issue of additional spectrum, the Amherst Alliance calls for a companion Low Power AM service, to complement the Low Power FM service already in place, to reach large cities and other areas where the FM spectrum is too congested to permit LPFM stations.

**Anderson, Gene, filed under Numerous<sup>1</sup> (8/23/04)**

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<sup>1</sup> A number of letters (many handwritten) have been placed in ECFS as a group. To access these letters in ECFS, go to the ECFS search screen and type "numerous" in the "Filed on Behalf of" field. Then type the date above in parentheses in the "Date Received/Adopted" field. This search will produce several records, each comprised of numerous letters, which should be opened to find the summarized comment.

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Mr. Anderson states that about a year ago he started watching “Democracy Now” on TV. He states that this program provides an opposing viewpoint he had not otherwise found, and that he would like to see more diversity of viewpoints. He states that his local station, KSBW, is “shamefully partisan.”

**The Arizona Broadcasters Association (ABA) (1/3/05)**

ABA contends that the record in this proceeding confirms the continuing validity of the Commission’s long-standing deregulatory policies applicable to broadcast radio and television stations. ABA states that broadcasters across the nation are demonstrating a high level of community involvement and responsiveness, attributable not only to competitive pressures and economic incentives, but to their own sense of public service as well. ABA provides specific examples of Arizona broadcasters’ service to communities in an attachment. ABA notes that a station that is non-responsive to the community in which it operates is subject to the Commission’s complaint process.

ABA states that, in evaluating a broadcast station’s service to its community, the Commission should expand its focus from programming to include other efforts, such as participation in community activities and sponsorship of local activities. ABA cites a number of specific events in which local broadcasters participate.

ABA states that the record demonstrates that broadcasters are striking the right balance in providing political coverage. The current communications environment – which includes cable, satellite, and Internet offerings in addition to broadcast and print media – already provides the vigorous forum for democratic discourse that certain advocacy groups seek, according to ABA. ABA also states that requiring broadcast stations to air additional political coverage does not serve the interests and needs of a public that overwhelmingly considers broadcast political coverage to be either “about right” or “too much.” ABA cites polls indicating that 42% of voters believe local broadcasters provided too much time covering elections; 47% “about the right amount” and only 10% indicated that “too little” time was spent covering elections. Despite the apparent frustration of some organizations, it appears that most audience members are satisfied with the mix of formats and content being broadcast on commercial stations today, ABA states.

ABA states that it is both a business and legal imperative for broadcasters to be responsive to their communities. The record demonstrates that stations will support local musicians or performers when their communities do too, ABA says. Under the *State Farm* holding, ABA states that the Commission needs a “reasoned analysis” before it may re-regulate broadcast stations to achieve its localism policy goals. ABA also states that those who urge the Commission to depart from its deregulatory policies appear unable or unwilling to offer even a cursory legal analysis to support their recommendation. ABA indicates that there is no discussion of the First Amendment implications of certain proposals to quantify and regulate content nor, despite the Commission’s request, is there any discussion regarding the scope of the Commission’s authority to regulate in areas such as payola and voice tracking.

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ABA contends that the Commission should take no further action in response to the NOI because the record in this proceeding demonstrates that its current deregulatory approach, which is consistent with Congress' vision and mandate, is the most efficient and expeditious approach to fostering localism and achieving public policy goals.

In addition, ABA contends that the Commission lacks the authority to modify the license renewal process. In this case, ABA states that certain commenting parties admittedly seek a "major shift" in policy as well as process but they do not offer, nor does the record contain, any reasonable basis for the substantial deviations from precedent they seek.

**Arkansas Broadcasters Association (The Association) (10/29/04)**

The Association states that localism is alive and well because the market demands it. The Association states that non-broadcast competitors vie for both radio and television audiences, and that television stations that provide local content must compete with broadcasters that have a national footprint. The Association states that radio audiences in cars can now listen to nationally distributed satellite radio instead of local radio, which is why it is important for the Commission to rigorously enforce the bar on satellite radio delivery of local programming. The Association states that otherwise, distant satellite delivery services will cherry-pick local programming audiences.

The Association notes that broadcasters assess community interests and needs to supply audiences with information they cannot get from the national networks, and that stations meet regularly with local elected and appointed officials. The Association gives examples of stations in Arkansas that engage in local programming, and states that the employees of various Arkansas radio and television stations also serve on boards of city councils and charitable organizations.

The Association points out that a local broadcaster provides local news in contrast to the distant nationally distributed services on satellite radio. Providing emergency information is a significant part of this commitment. Several television and radio stations have established an Amber Alert program; community bulletin boards; severe weather dangers and agricultural reports. Arkansas broadcasters go beyond mere compliance with the EAS rules, updating listeners on protecting life and property. Such community service is an important element of the broadcast industry's business. Finally, broadcasters in Arkansas serve minorities together with their communities' majorities. Thus there is no need for the Commission to intercede because marketplace realities keep localism as an imperative for broadcast stations.

**Arnold, Gwen (1/28/04)**

Ms. Arnold states she supports local control of television programming and specifically supports local religious programming.

**Association of Public TV Stations (APTS) (11/1/04)**

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*APTS contends that in the debate over media-ownership rules, there is no dispute that the goal is the preservation of local media and universal service. As the FCC considers the issues surrounding the importance of localism in the American media landscape, APTS urges the Commission to be especially aware of public televisions' contributions to preserving these values.*

APTS contends that public television stations throughout the nation provide critical local broadcast and outreach services to their communities, such as efforts to enhance early reading, provide support for child care professionals, address issues of local concern for older Americans, provide worker retraining, and respond to community crises.

APTS states that with the digital conversion, public television stations are grasping the opportunity to enhance their service through multicast digital channels, educational datacasting, and public safety data transmission. APTS contends that public television stations require adequate funding and favorable policy for the federal government.

APTS states that, despite the promise of digital broadcasting to enhance and expand the educational mission of public television, public television stations are facing a number of financial obstacles. Thus, according to APTS, in addition to digital upgrade and operation needs, APTS contends that public television needs continued federal assistance in order to extend and improve upon its current analog service.

APTS also urges the FCC to require mandatory carriage of public television digital signals on both cable and satellite. APTS also contends that because public television stations currently are providing an abundance of locally responsive programming and outreach services, the FCC should forbear from imposing any unnecessary ascertainment-like requirements on public television stations.

Appendix A to the APTS Comments is an editorial written by APTS CEO and President John M. Lawson urging the FCC's support of local non-commercial media. Appendix B outlines local and regional outreach activities by public television stations.

**Association of Public TV Stations (APTS) (2/4/04)**

APTS contends that the debate over media ownership rules must include efforts to ensure the survival and growth of locally-controlled public media. APTS states that public television stations may be the last true bedrock of locally-controlled, free, over-the-air media. APTS states that as public television stations transition to digital operations, they face unprecedented challenges, as well as unique opportunities to extend their public service through the transmission of multiple educational and public safety services.

APTS contends that federal funding and supportive federal policy are critical to the success of the digital transition and the survival of public television. APTS states that funding is needed to complete the digital build-out. In addition, APTS urges the FCC to: (1) ensure that the entirety

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of a station's free, over-the-air digital broadcast signal is carried by cable systems both during and after the transition to digital operations; (2) create rules to facilitate the operation of digital translators so that the digital transition may proceed in rural as well as urban areas; and (3) ensure the fair and full carriage of local analog and digital signals on direct broadcast satellite systems.

APTS contends that public television stations are intimately and uniquely connected to the communities they serve and have been at the forefront of local outreach to enhance early reading, provide support for child care professionals, address issues of local concern for older Americans, provide worker retraining, enhance democracy, and respond to community crises.

In addition to public television's long-standing leadership in using new technologies for educational and public service purposes, APTS contends that the nation's public television stations stand ready to continue their commitment to serving the needs of all Americans through the conversion to digital broadcasting. APTS states that public television's digital spectrum and infrastructure enable stations to deliver critical information wirelessly to personal computers and smart telecommunications devices at public safety agencies, hospitals, schools, homes and offices. Thus, according to APTS, public digital television can improve homeland security by forming the backbone of local emergency response systems and a nationwide homeland security communications network.

Appendix A to the APTS Comments is an editorial written by APTS CEO and President John M. Lawson urging the FCC's support of local non-commercial media. Appendix B outlines local and regional outreach activities by public television stations.

**Association of Public TV Stations (APTS) (4/8/05)**

APTS submits slides from presentations made on January 12, 2005 at the New America Foundation's conference, "Envision the Future of Digital Public Service Media." APTS contends that the slides demonstrate some of the innovative projects and plans that local public television stations are implementing to serve the public interest in their communities with their new digital television capabilities, and portray efforts by Maryland Public Television, KQED, New Jersey Network, The Alaska Channel/KTOO, and WHYY.

**Bales, Ginny, filed under Numerous (11/1/04)**

Ms. Bales, a professional musician from North Branford, CT, and a member of the American Federation of Musicians, Local 234, New Haven, CT, maintains that "the local radio market no longer exists in the same way for musicians" as it did in years past with occasional airplay from local stations, live music performance, and interviews. She states that "the radio industry has become much less responsive to local markets and the national homogenization has led to a 'lowest common denominator' situation which is harmful to musicians, and restricts our musical culture and the fertility of our national expression."

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Ms. Bales particularly notes “the drying up of income streams for professional musicians.” She further asserts that “the [l]oss of airplay for smaller record labels and the virtual impossibility of a DJ or station introducing a new artist or record...is leading to a smaller pool of talent and necessity for larger investment in order to ‘break’ [in] a new artist.” Increased “corporate involvement in the music industry,” she submits, “is not producing better quality music nor major artists of greater stature.” To the contrary, she concludes that “[i]ncreased concentration of power in the radio industry is not good for the overall musical scene in the USA.”

**Barnstable Broadcasting, Inc. (Barnstable) (1/3/05)**

Barnstable states that it is the licensee of fifteen radio stations in Virginia, North Carolina, South Carolina, and New York. Barnstable states that the Commission should avoid restricting broadcasters’ practice of prerecording voice material, particularly when the practice is used within a single market simply to record material by local on-air talent for use later.

Barnstable states that it agrees with many commenters who point out that restrictions on voice tracking – whether inter-market or intra-market – are not necessary to ensure that radio stations continue to serve their local communities. Barnstable also states that it is particularly concerned with ensuring that any rule the Commission might adopt in this area avoids restricting the longstanding practice of using prerecorded voice material within a single market. Barnstable states that, when recording technology is used within a local market to provide voice material for broadcast at a time when a particular on-air personality cannot be at the station, it raises no concerns regarding localism whatsoever.

**BAS Broadcasting, Inc., filed by Tom Klein (10/25/04)**

Mr. Klein asserts that changes in media ownership rules have reduced local service to communities, particularly small towns. BAS provides examples of locally-oriented programming from stations WFRO and WOHF, including local news and public affairs programming; emergency weather information; sponsorship of community and civic events; and live local sports broadcasts.

**BAS Broadcasting, Inc., James A Lorenzen, President (11/12/04)**

Mr. Lorenzen states that many small stations have moved to the large cities leaving communities with no local coverage of sports, news, and community events. He states that many stations have also abandoned their original community of license. He states that he does not believe that the Commission should add additional burdens to the remaining small rural stations.

**Baumgartner, Frederick M and Nickolaus Legget (10/22/03)**

Commenters file a copy of the petition for a Low Power AM broadcasting service which was filed by Mr. Frederick M. Baumgartner in June 2003. This petition seeks authorization of a service allocation in spectrum between 1610 and 1700 kHz. Petitioner contends this spectrum



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has desirable propagation characteristics, and the current FCC licensing scheme provides opportunities between licensed regional stations suitable for neighborhood operation. According to commenters, this petition proposes a secondary service that it says provides a minimum of interference to existing and proposed full-power stations, and maximum utility for neighborhoods and rural communities desiring a limited broadcasting outlet. Commenters ask for rules of use that encourage diversity, and community service, yet permit the new service enough coverage and flexibility to be useful and self supporting.

**Belo Corp. (Belo) (2/19/04)**

Belo submits a cover letter attaching copies of tapes and letters that it asks to be included in the record of the FCC's Localism Task Force Docket. The letter attachments, each dated February 5, 2004, include letters from Belo senior vice president, Guy Kerr, to: (1) former FCC Chairman, Michael Powell; (2) former FCC Commissioner Kathleen Abernathy; (3) FCC Commissioner Michael Copps; (4) former FCC Commissioner (and current Chairman) Kevin Martin; and (5) FCC Commissioner Jonathan Adelstein. The letters, which are nearly identical in substance, enclose copies of a videotape of the "gavel to gavel" multicast broadcast by KENS-DT of the FCC's localism hearing on January 28, 2004, in San Antonio, Texas and a videotape of local news reports about the hearing broadcast by KENS-TV during its 5 p.m., 6 p.m. and 10 p.m. newscasts that day. The letter to former Chairman Powell also encloses a videotape of the former FCC Chairman's interview with KENS-TV reporter Deborah Knapp. In these letter attachments, Belo notes that substantially all of the FCC hearing was carried live in San Antonio on Belo's 24-hour local news cable channel and in other parts of Texas on its cable news channel Texas Cable News. The letters express appreciation for the FCC's decision to visit Texas and the opportunity afforded Belo to express its views on issues impacting localism.

**Belo Corp. (Belo) (5/11/04)**

Belo submits a cover letter attaching letters from Belo's Chairman of the Board, President, and Chief Executive Officer, Robert W. Dechard, to individual FCC Commissioners describing Belo's ongoing offering of "It's Your Time," a program providing free airtime to congressional and gubernatorial candidates. The letter attachments, dated April 30, 2004, consist of letters addressed to: (1) FCC Commissioner Michael Copps; (2) FCC Commissioner Jonathan Adelstein; (3) former FCC Commissioner, and current Chairman, Kevin Martin; (4) former FCC Chairman, Michael Powell; and (5) former FCC Commissioner Kathleen Abernathy. Additional details of Belo's program "It's Your Time" and of Belo's political programming plans for the six weeks leading up to the 2004 election are contained in a press release, dated April 16, 2004, appended to each of the letters.

**Belo Corp. (Belo) (11/1/04)**

Belo states that it is the owner and operator of 19 television stations in 15 markets, reaching nearly 14% of U.S. television households. Belo believes that market forces, journalistic principles, and existing regulations provide ample motivation for broadcasters to continue to

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advance the Commission's localism objectives. It contends that additional regulation, such as quantitative content requirements, formal ascertainment procedures, or standardized reporting and recordkeeping directives, are unnecessary and would only stifle broadcasters' creativity and flexibility in responding to the needs of their communities.

In response to the Commission's primary question – how broadcasters serve their communities – Belo responds that the core answer to this question is through their commitment to high-quality local news. According to Belo, local news provides a way for broadcasters to distinguish themselves from national networks and cable and satellite providers. In addition, Belo states that, due to the revenue potential and relative immunity to “time-shifting,” broadcasters air more than twice as much local news per channel per day as they did 20 years ago. At the same time, Belo opines, local news fosters direct and continuing interaction between broadcasters and their communities.

In addition to local news, Belo states that its stations air “extensive” locally produced and locally oriented political programming, including a series offering free airtime for local candidates and debates between candidates for local and regional offices. Belo lists a number of ways in which its stations are responsive to the needs of their local audiences including the following: airing documentaries and specials on family- and health-related issues; airing public service announcements and projects like “Family First,” which it describes as a combination of news and other programming designed to “help families grow stronger;” providing around-the-clock coverage of severe weather and other emergency situations; operating websites containing local content; and through fundraising and other community service activities benefiting local charities, schools, and other non-profit institutions.

Belo contends that returning to the burdensome regulatory scheme of past decades would not advance the goals of localism and, instead would saddle broadcasters with additional compliance costs and divert resources away from community-responsive programming and other public service activities. According to Belo, broadcasters already carry significant public interest responsibilities not shared by their competitors. Additional regulation, in Belo's view, would be counterproductive and would further handicap broadcasters as they continue the digital transition process.

Appended to Belo's comments are two exhibits consisting of statements presented by Belo station managers at FCC field hearings on localism and media ownership.

**Belo Corp. (Belo) (12/8/04)**

In this *ex parte* letter, Belo provides a summary of a meeting held on December 7, 2004, that was attended by Robert Decherd, Guy Kerr, Dunia Shive, and DeDe Lea of Belo, Richard Wiley, counsel for Belo, and FCC Commissioner Adelstein and his Legal Advisor, Johanna Mikes Shelton.

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In the meeting, Belo states that it discussed, among other things, broadcasters' public interest responsibilities and their commitment to meeting the needs of their stations' local communities. Belo states that it cautioned the FCC to be mindful and flexible when applying new regulations because, according to Belo, the broadcast industry needs the ability to develop business models that will work in the digital era without being encumbered by unnecessary regulations.

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**Belo Corp. (Belo) (1/3/05)**

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Belo Corp. describes two Belo News Releases appended to its comments that demonstrate, according to Belo, its commitment to serving its communities of license through “extensive coverage of local and national politics.” In the 14 weeks leading up to the November 2004 general election, Belo states that its stations broadcast 338 hours of candidate debates, news stories, interviews, candidate forums, and other political programming. Thus, Belo reports, its 14 news producing stations aired an average of one hour and forty-three minutes of political coverage per station, per week in the 14 weeks preceding the November elections. To increase voter awareness and education, Belo states that its television stations re-broadcast their political coverage on sister stations and on the Company’s cable news channels, where available, and eight Belo stations posted video of local debates on their websites.

Belo reports its continued airing of “It’s Your Time,” a program originated by Belo in 1996 to provide free airtime to local candidates to address viewers on issues facing their communities. The success of Belo’s political coverage demonstrates, in its view, that market forces and journalistic imperatives provide ample incentive for broadcasters to air local news, public affairs, and other community-responsive programming. Therefore, Belo urges the Commission to resist adopting new mandatory quantitative content requirements, formalized ascertainment procedures, or standardized reporting and recordkeeping directives. Two news releases, dated November 4 and November 16, 2004 appended to Belo’s comments, further describe Belo’s political programming and outreach efforts.

**Belo Corp. (Belo) (4/19/05)**

Belo submits supplemental comments addressing the Lear Center Local News Archive’s “Local News Coverage of the 2004 Campaign: An Analysis of Nightly Broadcasts in 11 Markets.” The Lear Center study, which Belo notes has been cited as a basis for criticism of the quantity and quality of local political campaign coverage by the broadcast media, examined pre-election coverage of network-affiliated television stations in 11 major markets during the evening hours for the 29-day period from October 4 to November 1, 2004. Belo contends that the study, which limited its research to nightly news broadcasts aired between 5:00 p.m. and 11:30 p.m., captures only a limited segment of election-related programming and does not consider morning and daytime programming, which, according to Belo, constitute a significant portion of local stations’ newscasts. Even for the periods it does analyze, Belo contends that the study’s figures are inconsistent with the amount of political programming revealed by Belo’s internal analysis of its stations’ political coverage.

Belo also notes that the Lear Center has repeatedly praised the Belo affiliate stations included in this study, WFAA-TV in Dallas, Texas and KING-TV in Seattle, Washington, awarding them its prestigious Walter Cronkite Awards for Excellence in Television Political Journalism. According to Belo, these awards and other professional recognition received by these stations belie the findings of the Lear Center study. Given the “methodological shortcomings and other limitations” of the study, and the extensive information in the record of this proceeding concerning broadcasters’ attention to local concerns, Belo argues that the study should not be accorded any decisional significance, let alone provide a basis for imposing on broadcasters

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mandatory quantitative content requirements relating to political coverage or any other subject. Belo contends that such requirements would only increase the cost of complying with "one-size-fits-all governmental oversight" and minimize stations' flexibility to attract viewers and provide programming that is responsive to community interests and concerns.

**Bik, Tom (1/03/03)**

Mr. Bik urges the FCC to expand LPFM. He states that because listeners want an alternative to commercial stations such as Clear Channel and Viacom, it is understandable that consumers of the K-Love/Air One radio service are concerned that the expansion of LPFM would impact their ability to enjoy alternative broadcasts. However, according to Mr. Bik, the expansion of LPFM would actually increase the number of alternative voices. Mr. Bik agrees with the Prometheus Radio Project on the subject of translator stations, which states that "translators should have a secondary status with regard to locally based Low Power stations," and that "if a bona fide local organization wants to use a channel for real, new, local broadcasting, they should not be pre-empted by a repeater." He also agrees with the Prometheus conclusion that "licensing system as it stands gives preference to remote, out of state organizations looking to rebroadcast on thousands of channels nationwide, rather than to local entities who want just one community radio station."

Mr. Bik points to the all-volunteer LPFM station in his town that he states is the only one with an African-American presence. Mr. Bik states that this presence is shared by all members of the community, including the many cultures that come from around the world to study in the small mid-western city the LPFM station serves.

**Bonneville International Corporation (Bonneville) (11/1/04)**

Bonneville contends that there is no reason to mandate specific localism rules or policies. In addition, Bonneville indicates that the marketplace is providing local programming and service to the community in positive, innovative ways.

Bonneville also states that its programming serves local community interests and needs. Bonneville highlights several examples of its local news, local political programming, local public affairs programming, local civic programming, local sports programming, cultural and religious programming and weekend leisure activities related programming at one of its television stations and on four of its radio stations. Bonneville also highlighted several examples of its off-air community service work through ten of its radio stations. Bonneville highlighted programming and provided examples related to the following stations: WTOP (AM/FM) (Washington, DC); KSL-TV (Salt Lake City, Utah); KSL (AM) (Salt Lake City, Utah); KDXU (AM) (Saint George, Utah); KSSL (AM) (Idaho Falls, Idaho); WGMS-FM (Washington, DC); WWZZ (FM) (Waldorf, MD); KDFC-FM (San Francisco, CA); KOIT (AM/FM) (San Francisco, CA); WIL-FM (Saint Louis, MO); WSSM (FM) (Granite City, IL); and WTMX (FM) (Skokie, IL).

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**Bowler, Phil (11/1/04)**

Mr. Bowler describes his personal experiences (as a musician) with a local radio station -- WPKN, an independent, not-for-profit station in Stamford, CT-- and states his support of local radio.

**Bracher, David (8/9/04)**

Mr. Bracher states that major media outlets narrow democratic discourse by selecting a narrow range of issues to cover and excluding anything else. He states that, the greater the event, such as the Iraq War, the greater the democratic need for a wider range of opinion to be heard and debated and that, instead, that range of discussion narrows radically down to almost no deviation at all on either side. Mr. Bracher states that a wide democratic discourse would serve to circumvent disasters and that the editorial limits placed on the range of the discussion is toxic to a wider appreciation of the full range of those issues. Mr. Bracher states that one is left with no alternative than the foreign press, or else the few tiny non commercial pockets left. He also states that democracy requires the free flow of information in order to work, as otherwise the voting populace has no idea of what is actually going on.

Mr. Bracher states that Michael Moore's Fahrenheit 9/11 film provides an instructive lesson: that whatever one thinks about the movie, the fact that such large numbers of people were eager to pay the theater price to see it is demonstrative that people desired a novel viewpoint from that of the mainstream media.

Mr. Bracher states that there is a correlation between KFMW-FM, a radio with black programming in San Bernardino changing formats away from that program, and the Watts Riots, noting the crushing of local communal voice.

Mr. Bracher also states that lower power radio could provide a means by which local communities could create their own culture.

He also states that NPR has become a de facto voice of the government, but that it can change.

He states that Internet radio should be permitted free of government regulation.

**Branch, Robert Jr. (11/29/04)**

Mr. Branch, a technical consultant in the radio industry, states that there are concerns with current LPFM and FM translator regulation that impact localism, including, among others, that: (1) FM translators are now allowed to carry only 30 seconds per hour of local programming; (2) there is no process for conversion of an FM translator to a LPFM station; (3) Mitre report standards were not applied to FM translators; (4) many groups that have translator networks actually have regional networks where the station staff can support the local interests of individual communities; (5) LPFM is pushed to operate cheaply, since, at the end of the license

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*term, there is no reasonable assurance on continuance of operation; and (6) FM translators can have a part to play in matters of localism if they are only allowed.*

Mr. Branch provides a list of numerous technical suggestions for the Commission to consider for enhancing radio localism. Among others, Mr. Branch suggests that LPFM stations be allowed to own FM translators and that the Commission issue a declaratory ruling defining the term “locally produced” programming in the context of an LPFM station.

**Brennan Center et. al. (11/1/04)**

The Brennan Center addresses three main points: (1) the health of our federal system and cultural life depends on localism; (2) localism is not served by the present structure of broadcast regulation; and (3) serving localism today requires a balanced system in which nonprofit community broadcasters provide the political and cultural diversity that is lacking in commercial broadcasting.

The Brennan Center states that local government is our central political institution, that national elections are essentially local, and that we define many of our social and aesthetic values in local terms. It stresses that the fundamental federal structure of the U.S. government reserves a host of public policy decisions that are vital to the quality of life and the fabric of society to local government. It states that broadcast television plays a critical role in society because it is the primary source of information, particularly on local issues.

The Brennan Center argues that localism is intrinsically related to diversity in media sources, media outlets, media institutions, and the actual content of media programming. It urges the Commission to consider three structural sources of diversity – outlet diversity, source diversity, and institutional diversity – in its analysis. These structural characteristics can produce the goals of program and viewpoint diversity.

The Brennan Center argues that localism is not served by the present structure of broadcast regulation. Over the years, there has been a growing tension between the profit-maximizing goals of commercial broadcasting and the public interest goals of localism, cultural variety, and viewpoint diversity.

The Brennan Center states that the television industry is becoming unmistakably more homogenized as a result of the lifting of both national ownership limits and restrictions on vertical integration. It observes that “[p]ooled news services reduce the ability of local stations to present local stories and eventually erode the capability to produce them.” It cites a recent study from the Project for Excellence in Journalism that concluded that “overall, the data strongly suggest regulatory changes that encourage heavy concentration of ownership in local television by a few large corporations will erode the quality of news Americans receive.” The Brennan Center states that there is a problem of corporate bias as a result of consolidated control of the media and corporate control over the issues that are covered by individual broadcast stations.

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The Brennan Center states that the Commission should realize that an overwhelmingly commercial broadcasting system cannot fulfill the policy goals of the Communications Act. Another concern that the Brennan Center raises is that mass media fail to meet the information needs of non-majority groups in society. According to the Brennan Center, the market produces what advertisers want, and it creates its own demand, favoring large audiences and avoiding controversy.

The Brennan Center states that nonprofit community broadcasters provide political and cultural diversity that commercial broadcasting does not provide, and that localism requires a balanced system. It recommends that the Commission deny commercial license renewals where appropriate, assign more licenses to nonprofit, independent community media, and make spectrum available for unlicensed community broadcasting. It also proposes that the Commission require commercial broadcasters to provide community access and channel leasing opportunities to nonprofit community media projects. It further suggests that the Commission develop funding mechanisms for supporting nonprofit community media.

Overall, the Brennan Center advocates a “bolder, more integrated approach” to broadcast regulation that “truly serves the public policy goals of localism and diversity.”

**Briggs, Betty (1/28/04)**

Ms. Briggs comments that the First Baptist Church broadcast on KSAT 12 reaches many people who are unable to attend church, and rely on the televised sermon. Ms. Briggs requests that control of local programming be left to KSAT 12.

**Brown, Daniel (12/31/03)**

Mr. Brown contends that his local community has no community radio service. Mr. Brown wants the Commission to reform translator and Service Status by, for instance, limiting the numerical limits on ownership of translators and affording “Tertiary Service Status” to “satellators” and other long distance translators. He wants the Commission to restore localism in radio by expanding low power radio. Mr. Brown outlines steps that he believes the Commission should take to expand low power radio including: repealing current statutory requirements for third adjacent spacing, establishing a low power AM service, replacing the proposed minimum manned air time requirement and proposed 85-hour limit on weekly hours of operation, establishing primary service status for low power AM, and creating a mechanism for resolving possible interference disputes between low power AM stations, and requiring that future FM/AM receivers be equipped to receive AM stereo broadcasts.

**Brown, Sam (11/1/04)**

Mr. Brown asserts that only with more competition and regulation will localism improve. He contends that the “city of license” concept is a valid benchmark only for purposes of localism for



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rural areas, but falls short elsewhere. Mr. Brown maintains that using “markets” as a benchmark presents problems because rating services base their markets on the desires of their broadcast and advertiser clients and not on reality or public interest. Mr. Brown advocates defining “local” for purposes of localism in terms of “the area included in the station’s service contours (50dBu FM, 2.0 mv/m AM) and any additional area where the station can be received and actively strives to garner an audience.” Mr. Brown claims that the availability of public files is a meaningless administrative exercise that does not ensure local service because the average listener does not know they exist. Mr. Brown avers that most people listen to radio and watch television for entertainment as much as, or more than, they do for information.

Mr. Brown recommends the creation of a formula for determining how “local” a station is by creating a point-system for regularly-scheduled programming that would reward more localized types of programming. Mr. Brown recommends allowing claims of programming “uniqueness” to be considered favorably in determining service to the local community. To foster competition, Mr. Brown advocates that a customer should be able to receive any station in his Consolidated Metropolitan Statistical Area, or any other that is reasonably receivable with an antenna at his location, regardless of which one the TV industry in conjunction with the government thinks he should be able to watch. Mr. Brown states that consistent with “free-speech democracy,” stations should not be required to make arrangements with local officials regarding disaster recovery and information. Mr. Brown recommends the development of a system requiring certain amounts of local programming, enforced by an escalating system of fines, based on the severity of the offence and the size of the station and market.

To provide additional opportunities for people to broadcast, Mr. Brown offers several suggestions, including allowing an LP service for commercial broadcasting, daytime-only LP AM stations, prohibiting new applications for FM translators other than fill-in service and service to ultra-rural locations having no local stations, and allowing no owner more than three LP stations (and requiring no overlap of their coverage).

**Brown, Sam (12/1/04)**

Mr. Brown asserts that the comments from the large, multi-station group owners fail to acknowledge that in many markets the major stations have no news departments, offer few locally-hosted programs outside of drive times, and primarily offer national playlists. Mr. Brown asserts that additional public hearings would not be useful. To ensure that no existing station is bumped off the air by new rules or disparate priorities, Mr. Brown recommends (with certain exceptions) that additions to the allocation table be prohibited if existing LPFM or translators would be removed from service, that waivers of the rules for second or third adjacent spacing be granted to save such “secondary” stations if changes are approved to full-power stations, and that the use of unusual directional antennas or translators of secondary stations be allowed to preserve them in the face of full-power changes. Mr. Brown states that proposals to add a very-low-power service to allow any private citizen to broadcast would work only if the public can receive the new stations without special effort.